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| EXAMINER |
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LEE, PHILIP C

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| ART UNIT | PAPER NUMBER |
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2154

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,063

Applicant(s)

NOMA, TSUNETAKE

Examiner

Philip C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. This action is responsive to the amendment and remarks filed on February 25, 2005.
2. Claims 1-8 are presented for examination.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agraharam et al, U.S. Patent 5,956,482 (hereinafter Agraharam) in view of Porter et al, U.S. Patent 6,675,299 (hereinafter Porter).
6. Agraharam was cited in the last office action.

7. As per claim 1 and 4-5, Agraharam taught the invention substantially as claimed for providing a service to a plurality of information processing apparatuses, the service providing apparatus functioning as a shared server on a network, comprising:

storage means for storing a group (e.g. participation list predetermined code) (page 3, paragraphs 36 and 37), and content (page 1, paragraph 15);

reception means for receiving a group request to include a corresponding one of the plurality of information processing apparatuses in one of the plurality of groups (e.g. participation list) (page 3, paragraphs 27 and 36), the request selecting a respective one of the plurality of groups (page 3, paragraph 29), and for receiving a content request (e.g. specifies the multimedia document) transmitting from any of the information processing apparatuses belonging to one of the plurality of groups, the content request including a selection of available content (page 3, paragraphs 28 and 34);

acquisition means for acquiring data coordinated with the content request (page 1, paragraph 16) and communication means for transmitting the data acquired by said acquisition means simultaneously (page 1, paragraph 16) to those of the information processing apparatuses accessing the shared server and belonging to a same group (e.g. session audience) (page 2, paragraph 19).

8. Agraharam did not specifically teach storing a plurality of groups and a list of available content. Porter taught a shared file management system for storing a plurality of groups (col. 8, lines 21-31; col. 10, lines 33-48) and a list of available content (col. 11, lines 4-9, 26-32; col. 11,

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line 66-col. 12, line 6). Furthermore, Porter taught a selection from a list of available content (col. 9, line 62-col. 10, line 9).

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Agraharam and Porter because Porter's teaching of storing a plurality groups would increase the utilization of the shared server to provide services to multiple groups.

(Note that Agraharam's system must store a plurality of groups in order to provide services to multiple session audiences.)

10. As per claim 2, Agraharam and Porter taught the invention substantially as claimed in claim 1 above. Agraharam further taught wherein the data is music data (page 1, paragraph 15), and the selection is particular music data (page 2, paragraph 17; page 3, paragraphs 34 and 35).

11. As per claim 3, Agraharam and Porter taught the invention substantially as claimed in claim 1 above. Agraharam further taught comprising transmission means for receiving text data transmitted from any of the information processing apparatuses accessing the shared server and transmitting the text data to the least one other information processing apparatus accessing the shared server and belonging to the same group (page 3, paragraph 30).

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12. As per claims 6 and 8-9, Agraharam taught the invention substantially as claimed for accessing a service providing apparatus functioning as a shared server, which provides services on a network, together with other information processing apparatuses, comprising:

inputting means for inputting access information for accessing the service providing

apparatus to a group (page 3, paragraph 37);

display control means for controlling display of available contents transmitted from the service providing apparatus (page 2, paragraphs 20 and 21);

requesting means for selecting content from among the available content and requesting the service providing apparatus for transmission of the selected content to said

information processing apparatus belonging to one of the plurality of groups and the other information processing apparatuses accessing the shared server belonging to the same group (page 3, paragraphs 34 and 36);

reception means for receiving data transmitted from the service providing apparatus (e.g. BWS Center) to the information processing apparatuses belonging the same group (e.g. session audiences) (page 2, paragraphs 19 and 21); and

reproduction means for reproducing the data (page 2, paragraph 19).

13. Agraharam did not specifically teach a plurality of groups and a list of available content. Porter taught a shared file management system for servicing a plurality of groups (col. 8, lines 21-31; col. 10, lines 33-48) and a list of available content (col. 11, lines 4-9, 26-32; col. 11, line 66-col. 12, line 6). Furthermore, Porter taught controlling display of a list of available content (col. 9, line 62-col. 10, line 9).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Agraharam and Porter because Porter's teaching of a plurality groups would increase the utilization of the shared server to provide services to multiple groups.

(Note that Agraharam's system must store a plurality of groups in order to provide services to multiple session audiences.)

15. As per claim 7, Agraharam and Porter taught the invention substantially as claimed in claim 6 above. Agraharam and Porter further taught wherein the list of available content is a table listing available music data (col. 7, lines 32-37) (i.e., the list of files may be audio data) provided from the service providing apparatus (col. 11, lines 4-9, 26-32; col. 11, line 66-col. 12, line 6), and the data is particular music data corresponding to the selected content (col. 9, line 62-col. 10, line 9; col. 11, lines 4-9; col. 11, line 66-col. 12, line 6).

16. Applicant's arguments with respect to claims 1-9, filed 2/25/05, have been fully considered but are not deemed to be persuasive and are moot in view of the new grounds of rejection.

17. In the remark applicant argued that

(1) Agraharam does not teach or suggest storing a plurality of groups, a list of available content and content, receiving a group request selecting a respective one of the

plurality of groups, receiving a content request including a selection from the list of available content, or transmitting the data acquired by the acquisition means simultaneously to those of the information processing apparatuses accessing the shared server and belonging to a same group.

(2) a reference supporting the official notice should be provided.

18. In response to points (1) and (2), Agraharam and Porter in combination taught the invention substantially as claimed. Specifically, Agraharam taught storing a group (e.g. participation list predetermined code) (page 3, paragraphs 36 and 37), and content (page 1, paragraph 15), receiving a group request selecting a respective one of the plurality of groups (e.g. participation list) (page 3, paragraphs 27 and 36), receiving a content request including a selection of available content (page 3, paragraphs 28 and 34), and transmitting the data acquired by the acquisition means simultaneously to those of the information processing apparatuses accessing the shared server and belonging to a same group (page 3, paragraphs 34 and 36).

19. Agraharam did not specifically teach storing a plurality of groups and a list of available content. Porter taught a shared file management system for storing a plurality of groups (col. 8, lines 21-31; col. 10, lines 33-48) and a list of available content (col. 11, lines 4-9, 26-32; col. 11, line 66-col. 12, line 6). Furthermore, Porter taught a selection from a list of available content (col. 9, line 62-col. 10, line 9).

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20. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Agraharam and Porter because Porter's teaching of storing a plurality groups would increase the utilization of the shared server to provide services to multiple groups. (Note that Agraharam's system must store a plurality of groups in order to provide services to multiple session audiences.)

21. Porter taught the concept of a shared system (inherently comprised of server) servicing and storing a plurality of groups is known and accepted in the art for supporting the official notice taken in the last office action.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barber et al, U.S. Patent 6,564,260, disclosed a method of sharing content with groups of users.

San Andres et al, U.S. Patent Application Publication 2005/0027795, disclosed a directory service for managing shared contents.


23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Lee whose telephone number is (571) 272-3967. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100